

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Noda et al.

Serial No.: 09/133,813

Filed: August 13, 1998

For: INDWELLING HEAT  
EXCHANGE CATHETER AND  
METHOD OF USING SAME

Examiner: Ronald Stright

Group Art Unit: 3762

August 30, 1999

*EC*  
*11-10-99*  
*FF 7*  
*Electronics*

**ELECTION AND RESPONSE TO RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

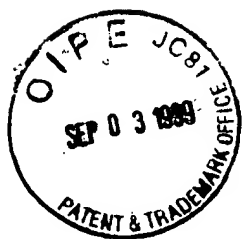
This election is filed in response to a Requirement for Restriction mailed June 29, 1999. Approval of the enclosed request will extend the period for response to August 29, 1999.

**RESTRICTION REQUIREMENT**

**RECEIVED**  
SEP 09 1999

In the outstanding Office Action, the Examiner has required restriction between the following two groups of claims:

- I. Claims 1-13, 28-39, and 42-68 drawn to a heat exchange catheter, classified in Class 604, Subclass 113.
- II. Claims 20-27 and 40-41 drawn to a method for using a heat exchange catheter, classified in Class 604, Subclass 28.



The Examiner has noted that if Group I is elected, then election is also required from among the following species:

- A: Figures 3-6 & 10
- B: Figures 7-9
- C: Figures 10A-10B
- D: Figures 11-12
- E: Figures 17-19
- F: Figures 20-24
- G: Figures 25-27
- H: Figures 34-35
- I: Figures 36-37

#### ELECTION

Applicant provisionally elects for prosecution the Claims of Group 1, namely Claims 1-13, 28-39, and 42-68. With this election of Group 1, Applicant also elects species F, namely Figures 20-24. This election is made without traverse.

#### CLAIMS READABLE ON ELECTED SPECIES

The following claims are believed to be readable on the elected species:

Claims 1-3, 5-10, 12-13, 28-37, 39, 52-55 and 61-63. It is noted that Claims 56-60 are method claims and will perhaps erroneously included in the Claims of group 1. It is further noted that although the Requirement For Restriction concludes that "no claim is generic," Applicant notes that independent Claims 1, 28 and 35 appear to be generic to the species of Figures E, F and G.